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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/12/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.18193 & 19143 of 2021

Anbhu @ Anbarasan

... Petitioner/Accused No.4
in Crl.O.P(MD) No.18193 of 2021

Thandeeswaran

... Petitioner/Accused No.8
in Crl.O.P(MD) No.19143 of 2021

Vs

The State rep.by
The Inspector of Police,
Kallikudi Police Station,
Madurai.
Cr.No.202 of 2021.

... Respondent/Complainant
in both Petitions

For Petitioner : M/s.K.S.DURAI PANDIAN,
Advocate.
(In Crl.O.P(MD) No.18193 of 2021)

For Petitioner : M/s.C.MAYILVAHANA RAJENDRAN
Advocate.
(In Crl.O.P(MD) No.19143 of 2021)

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)
In both Petitions

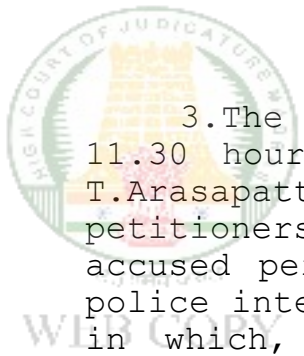
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- For Bail in Crime No.202 of 2021 on the file of the Respondent police.

ORDER : The Court made the following Common order :-

Heard the learned counsel appearing for the petitioners in both Criminal Original Petitions and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners/accused Nos.4 & 8, who were arrested on 22.09.2021 for the offences punishable under Sections 171, 420, 511 and 489 (b) IPC in Crime NO.202 of 2021, on the file of the respondent police seek bail.



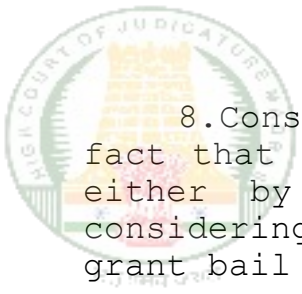
3.The case of the prosecution is that on 22.09.2021 at about 11.30 hours, the respondent police were on patrolling duty near T.Arasapatti Thandeeswaran Kovil Temple. At that time, the petitioners in both Criminal Original Petition along with other accused persons came in the cars and on suspicion, the respondent police intercepted the car and opened the back side door of the car, in which, they have found 18 bundles of Rs.2000/- counterfeit currency notes, 42 bundles of Rs.500/- counterfeit currency notes, 18 bundles of Rs.100/- counterfeit currency notes and the accused persons were in the police uniform. Hence, the complaint.

4. These petitioners already moved Crl.O.P(MD) No.16577 of 2021 seeking bail. This Court, by order dated 28.10.2021 dismissed the said application, based on the manner in which the offence was committed and considering the attitude of the petitioners.

5. Now, the learned counsel for the petitioner in Crl.O.P(MD) No.18193 of 2021 submits that the petitioner, namely Anbhu @ Anbarasan is an acting driver by profession and he has been engaged by other accused at the time of occurrence. Without knowing the offence, he was arrayed as accused No.4, along with other accused persons and he is in jail for the past 77 days. The learned counsel further submits that there are totally 11 accused in this case and out of them, except the petitioner and one another, all other accused were enlarged on bail either by this Court or by Court of Sessions. He further submits that this petitioner has not committed any offence, as per the prosecution. He is also willing to undertake to deposit his original driving license, before the trial Court to show his bonafide. Apart from that, the learned counsel submits that, the petitioner's family is a reputed family and his sister Manjula is running 'Anbu Muthiyor Illam' at Nagapattinam Taluk and she is willing to stand as surety for giving assurance that the accused Anbhu @ Anbarasan will not involve in any offence in future.

6. The learned counsel for the petitioner in Crl.O.P(MD) No.19143 of 2021 submits that one Sundara Pandian, Panchayat President of T.Arasapatti has filed an affidavit stating that he knows the accused Thandeeswaran for the past ten years and he will ensure that this petitioner Thandeeshwaran will not involve in any offence in future. He further submits that he is also in jail for the past 77 days.

7.The learned Government Advocate appearing for the respondent submits that the petitioner, Anbhu @ Anbarasan was the driver of the vehicle, wherein, counterfeit currency were recovered and this petitioner is having yet another case in Crime No.1535 of 2020. He further submits that the investigation in this case is almost over and all the witnesses are official witnesses. He also conceded that except these petitioners all other co-accused were enlarged on bail.



8.Considering the facts and circumstances of the case and the fact that all other co-accused have already been enlarged on bail, either by this Court or by the Court of Sessions and also considering the period of incarceration, this Court is inclined to grant bail to these petitioners.

9.Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.1,00,000/-(Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam and on further conditions that:

[a]the two sureties shall be S.Manjula, who is the sister of the accused Anbhu @ Anbarasan and Mr.Sundarapandian, President of T.Arasapatti Panchayat, who filed affidavit for accused Thandeewaran shall file separate affidavits before the Judicial Magistrate Court, Thirumangalam for the respective accused persons and also to file similar affidavits before the concerned police station that they will ensure that the petitioners/accused are not involved in any further offence and they also shall ensure that the petitioners shall co-operate for investigation. The petitioner, Anbhu @ Anbarasan shall also deposit his original Driving Licence, on the file of the Judicial Magistrate Court, Thirumangalam, till the disposal of the trial.

[b]the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] The petitioners shall not misuse the liberty granted to them by this Court and if the petitioners are involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioners shall report before the respondent Police as and when required, until further orders;

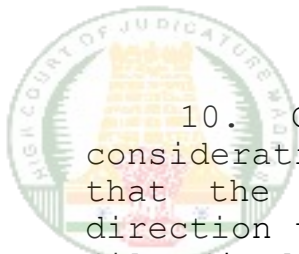
[e] the petitioners shall file an undertaking affidavit before the respondent Police as well as before the trial Court that he will not indulge in any other offence in future;

[f] the petitioners shall not abscond during the trial;

[g] the petitioners shall not tamper with the evidence or witness during trial;

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



10. Considering the nature of offence and taking into consideration the submission made by the learned Government Advocate that the investigation is almost completed, there shall be a direction to the respondent police to conclude the investigation and file final report at the earliest, preferably, within a period of one month from the date of receipt of a copy of this order and the petitioners shall also co-operate with the investigation. On filing of final report and after committal proceedings, the Sessions Court shall take cognizance and conclude the trial as expeditiously as possible.

sd/-
08/12/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO:

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
- 5 THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE PRINCIPAL SESSIONS JUDGE
MADURAI.

+1. CC to M/S.MAYIL VAHANA RAJENDRAN, Advocate SR.No.8953 (CRL.OP.
(MD)No.19143/2021)

ORDER IN

CRL OP(MD).Nos.18193 & 19143 of 2021
Date :08/12/2021

SA/PN/SAR.3/08.12.2021/4P/9C

<https://hcservices.ecourts.gov.in/hcservices/>